

Consolidated Edison Solutions, Inc. )  
)  
Amended Petition for Relief to Protect )  
Portions of Consolidated Edison )  
Solutions, Inc.'s Report of )  
Continued Compliance As an )  
Alternative Retail Electric Supplier from )  
disclosure for not less than five years )  
in order to protect highly confidential )  
and proprietary information )

**08-0092**

**AMENDED PETITION**

Consolidated Edison Solutions, Inc. ("CES"), by one of its attorneys, Paul F. Mapelli, hereby files this amended petition for relief to the Illinois Commerce Commission ("Commission") pursuant to Section 200.430 of the Commission's Rules of Practice (83 Ill. Admin. Code §200.430) to protect from disclosure for not less than five years highly confidential and proprietary information included in CES's Report of Continued Compliance, stating how CES meets its required financial and technical qualifications ("Compliance Report"). The Compliance Report relates to CES's continuing obligation to comply with the requirements for certification pursuant to Section 16-115 of the Public Utilities Act (the "Act") and 83 Ill. Admin. Code Part 451 ("Part 451"). In support of this Amended Petition, CES states the following:

1. CES is certified as an alternative retail electric supplier ("ARES"). The Commission originally granted CES a certificate of service to provide services as an ARES in the service territory of Commonwealth Edison Company on February 7, 2007.

2. On February 6, 2008, CES filed its Compliance Report with the Commission and requested that certain portions of the Compliance Report be protected from disclosure. (See Docket No. 08-0092). In addition to those sections of the Compliance Report (i.e., Attachment 2 and Paragraph 6) for which CES initially sought

protection from disclosure, CES also seeks to protect Paragraph 5 of its Compliance Report.

3. Attachment 2 of CES's Compliance Report contains confidential trade information and market sensitive information regarding CES's provision of service to non-residential customers in Illinois. CES considers this information highly proprietary and confidential information, the disclosure of which to competitors, or potential competitors, would be detrimental to CES.

4. Paragraphs 5 and 6 of CES's Compliance Report contains confidential trade information and market sensitive information regarding CES's provision of service to non-residential customers in Illinois. CES considers this information highly proprietary and confidential information, the disclosure of which to competitors, or potential competitors, would be detrimental to CES.

5. The retail electric industry is highly competitive and it is essential that public disclosure of the proprietary and confidential information contained in the Compliance Report be avoided for a period of at least five years because of the competitive harm which disclosure of such information would likely cause CES.

6. 83 Ill. Admin. Code Section 451.60 provides, in part, as follows: "If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. The applicant or ARES shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission." In this instance, CES, the ARES, has marked Attachment 2 and Paragraphs 5 and 6 of its Compliance Report as confidential.

7. Section 7(g) of the Illinois Freedom of Information Act provides, in part, that the following are exempt from inspection and copying: "trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm." 5 ILCS §140/7. The

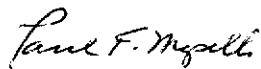
information contained in Attachment 2 and Paragraphs 5 and 6 of CES's Compliance Report falls within this exemption.

8. CES seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five years from the date of such Order, the trade information contained in CES's Compliance Report.

WHEREFORE, Consolidated Edison Solutions, Inc. respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five years, (i) Attachment 2 and (ii) Paragraphs 5 and 6 of CES' Compliance Report, which was filed with the Chief Clerk of the Commission on February 6, 2008 pursuant to Part 451 regarding CES's Report of Continued Compliance.

Respectfully Submitted,

**CONSOLIDATED EDISON SOLUTIONS, INC.**

By:   
Paul F. Mapelli  
Consolidated Edison Solutions, Inc.

Paul F. Mapelli  
Consolidated Edison Solutions, Inc.  
701 Westchester Avenue, Suite 300E  
White Plains, NY 10604  
Telephone: 914-286-7041  
Facsimile: 914-686-1413  
Email: [MapelliP@conedsolutions.com](mailto:MapelliP@conedsolutions.com)

STATE OF NEW YORK            )  
                                          ) SS  
COUNTY OF WESTCHESTER    )

VERIFICATION

Paul F. Mapelli, being first duly sworn, deposes and says that he is the Vice President and General Counsel of Consolidated Edison Solutions, Inc.; that he has read the foregoing Amended Petition and knows the contents thereof; and that the statements therein contained are true to the best of his knowledge, information, and belief.

By: Paul F. Mapelli  
Paul F. Mapelli  
Consolidated Edison Solutions, Inc.

SBUSCRIBED and SWORN to  
before me this 12<sup>th</sup> day of February 2008.

Monique Ardissonne  
Notary Public

**MONIQUE ARDISSONE  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AR0113139  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES JULY 19, 2008**

